

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**JOHN BAKER**, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

**PALMCO ADMINISTRATION, LLC d/b/a  
INDRA ENERGY**, a New York limited  
liability company, **PALMCO POWER PA,  
LLC d/b/a INDRA ENERGY**, a  
Pennsylvania limited liability company, and  
**PALMCO ENERGY PA, LLC d/b/a  
INDRA ENERGY**, a Pennsylvania limited  
liability company, **PALMCO ENERGY MA,  
LLC d/b/a INDRA ENERGY**, a  
Massachusetts limited liability company,  
**PALMCO POWER MA, LLC d/b/a  
INDRA ENERGY**, a Massachusetts limited  
liability company,

Defendants.

Case No. 1:20-cv-10284-DPW

**STIPULATION OF SETTLEMENT**

Plaintiff and Defendants, through their counsel, stipulate as follows:

1. Plaintiff filed this putative class action against Defendants.

2. Fed. R. Civ. P. 41(a)(1)(A)(ii) allows the parties to stipulate to the dismissal of an action at any time. Rule 23(e) does not limit the right to stipulate to dismissal of this action because it only applies to certified classes, and no class has been certified in this matter.

Likewise, the case does not involve any Receiver so as to implicate Rule 66.

3. Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff and Defendants agree that the action shall be dismissed in its entirety and with prejudice with respect to the individual claims alleged by Plaintiff against Defendants. The claims of members of the alleged class, if any, are dismissed without prejudice.

4. Plaintiff and Defendants further agree that each party is to bear his or its own attorney's fees and costs.

Respectfully submitted,

Dated: October 14, 2020

**JOHN BAKER** individually  
and on behalf of all others similarly situated,

By: /s/ Patrick H. Peluso  
One of Plaintiff's Attorneys

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\* *Pro Hac Vice*

PALMCO ADMINISTRATION,  
LLC, PALMCO POWER PA, LLC  
and PALMCO ENERGY PA, LLC

By: Their Attorney

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**Certificate of Service**

I hereby certify that, on the date indicated below, the foregoing document (and any attachments or accompanying documents) was served via the Court's CM/ECF System on counsel for all parties who have appeared in this matter.

/s/ Patrick H. Peluso

Dated: October 14, 2020